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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/784,751 | 02/15/2001 | A. Christian Tahan | XWRLD-102 | 1517 |
| 7590 | 05/19/2006 | | EXAMINER | |
| Robert K Tendler 65 Atlantic Avenue Boston, MA 02110 | | | | MORGAN, ROBERT W |
| | | ART UNIT | PAPER NUMBER | 3626 |

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------------|-------------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/784,751 | TAHAN, A. CHRISTIAN | |
| | Examiner Robert W. Morgan | Art Unit 3626 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 February 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 and 3-18 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 and 3-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/29/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed 12/1/05. Claim 1 has been amended. Now claims 1 and 3-18 are presented for examination.

Information Disclosure Statement

2. The information disclosure filed 9/26/04 has been acknowledged and entered in the application.

Claim Rejections - 35 USC § 112

3. The rejections under 35 U.S.C. 112, second paragraph have been withdrawn by the Examiner based on the changes made by the Applicant to the claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,463,417 to Schoenberg and U.S. Patent No. 5,822,544 to Chaco et al. in view of US 2002/0004729 to Zak et al., for substantially the same reasons given in the previous Office Action (dated 12/1/05).

6. Claims 3-5 and 7-9 have not been amended, and are rejected for the same reasons given in the previous Office Action (dated 12/1/05), and incorporated herein. Further reasons appear hereinbelow.

(A) The amendment to claim 1 appear to have been made to merely change the phrase “large size” to “complete”, but otherwise does not affect the scope and breadth of the claim as originally presented and/or in the manner in which the claim was interpreted by the Examiner when applying prior art within the previous Office Action.

As such, the recited claimed features of claim 1 are rejected for the same reasons given in the prior Office Action (dated 21/1/05), and incorporated herein.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,463,417 to Schoenberg, U.S. Patent No. 5,822,544 to Chaco et al. and US 2002/0004729 to Zak et al. as applied to claim 1 above, and further in view of U.S. Patent No. 5,992,890 to Simcox, for the same reasons given in the previous Office Action (dated 12/1/05).

8. Claims 10-11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,463,417 to Schoenberg in view of US 2002/0004729 to Zak et al, for the same reasons given in the previous Office Action (dated 12/1/05).

9. Claims 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,463,417 to Schoenberg and US 2002/0004729 to Zak et al. in view of U.S. Patent No. 5,822,544 to Chaco et al, for substantially the same reasons given in the previous Office Action (dated 12/1/05).

Response to Arguments

10. Applicant's arguments filed 2/17/06 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response 2/17/06.

Art Unit: 3626

(A) In the remarks, Applicants argue in substance that, (1) Schoenberg fails to teach a computer and a display at a site remote from the hospital, a wireless device, uploading of information from a remote site and downloading of information to those administering emergency assistance at a site that is remote from any hospital or emergency room; (2) Chaco does not teach making information available to emergency personnel in the field and uploading from the field to a database in real time; and (3) Zak fails to teach a wireless link to the field, use of the Internet or an Internet server and downloading capability.

(B) In response to Applicants arguments that, (1) Schoenberg fails to teach a computer and a display at a site remote from the hospital, a wireless device, uploading of information from a remote site and downloading of information to those administering emergency assistance at a site that is remote from any hospital or emergency room. The Examiner respectfully submits Schoenberg is relied on for teaching a request system (130, Fig. 1) which can be any wired or wireless device that can be connected to a communication network, such as a personal digital assistant (PDA) or a cellular telephone and is located wherever access to a patient's medical record is required such as in an emergency room, ambulance or another doctor's office (see: column 4, lines 36-51). A wireless device such as a PDA or cellular telephone, which can be located in an ambulance remote from a hospital, where a emergency medical technician can receive (upload) and transmit (download) emergency data from site of the medical emergency. In addition, Scheonberg teaches that when a patient's medical record is needed, the requestor inputs to the server system (120, Fig. 1) through request system (130, Fig. 1) and over network (160, Fig. 1) (see: column 5, lines 33-36).

(C) In response to Applicants arguments that, (2) Chaco does not teach making information available to emergency personnel in the field and uploading from the field to a database in real time. The Examiner respectfully submits that Schoenberg reference is relied on for teachings a request system (130, Fig. 1) which can be any wired or wireless device that can be connected to a communication network, such as a personal digital assistant (PDA) or a cellular telephone and is located wherever access to a patient's medical record is required such as in an emergency room, ambulance or another doctor's office (see: column 4, lines 36-51). In addition, when a patient's medical record is needed, the requestor inputs to the server system (120, Fig. 1) through request system (130, Fig. 1) and over network (160, Fig. 1) (see: column 5, lines 33-36). The Examiner considers that a requestor (EMT) may request a patient's medical record from the ambulance, which could be at the spot of the medical emergency as described by Schoenberg. Furthermore, insofar as the claim recites, "access to the patient history can be on a real time basis..." in claim 1, there is no requirement that a patient history is actively access in real time. All the prior art needs to show is a global database that is capable of (i.e., can be or may be) be accessed in real time.

(D) In response to Applicants arguments that, (3) Zak fails to teach a wireless link to the field, use of the Internet or an Internet server and downloading capability. The Examiner respectfully submits the Zak reference is relied on for teachings an hand held apparatus (10, Fig. 1) for capturing and storing emergency information by an emergency medical technician (5, Fig. 1) at the site of the medical emergency (2, Fig. 1) (see: paragraph 55). In addition, when the patient (2, Fig. 1) is transported to an emergency department (20, Fig. 1), the patient report (15, Fig. 1) is wirelessly transmitted to an emergency department laser printer and the emergency

staff (25, Fig. 1) (see: paragraph 56). Additionally, Zak et al. teaches that all information related to the emergency is retained and electronic transferred to the hospital's computer system.

Moreover, Zak et al. teaches that the system creates SQL to load/update the ODBC-compliant database (see: paragraph 92). Furthermore, Schoenberg is relied for teaching that when a patient's medical record is needed, the requestor inputs to the server system (120, Fig. 1) through request system (130, Fig. 1) and over network (160, Fig. 1) (see: column 5, lines 33-36). This clearly shows a hand held device using a wireless link such as the Internet, from the site of the medical emergency is used to electronic transfer (download) medical information to hospital computer system database as described by Zak in combination with the inputs to the server system over a network, which can be located at the patient's physician office as described by Schoenberg column 4, lines 46-48 arrive at the Applicant invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3626

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is (571) 272-6773. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert Morgan
Robert Morgan
Patent Examiner
Art Unit 3626

Joseph Thomas
JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER